

## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents  
United States Patent and Trademark  
Office  
Box PCT  
Washington, D.C.20231  
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

<b>Date of mailing</b> (day/month/year) 23 June 2000 (23.06.00)	
<b>International application No.</b> PCT/GB99/03731	<b>Applicant's or agent's file reference</b> HEWF/P21824PC
<b>International filing date</b> (day/month/year) 09 November 1999 (09.11.99)	<b>Priority date</b> (day/month/year) 11 November 1998 (11.11.98)
<b>Applicant</b> WIGMORE, Alexander, James	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:  
19 May 2000 (19.05.00)

☐ in a notice effecting later election filed with the International Bureau on:  
\_\_\_\_\_

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No.: (41-22) 740.14.35</p>	<p>Authorized officer Juan Cruz</p> <p>Telephone No.: (41-22) 338.83.38</p>
--	---

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>HEWF/P21824PC</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/GB99/03731</b>	International filing date (day/month/year) <b>09/11/1999</b>	Priority date (day/month/year) <b>11/11/1998</b>
International Patent Classification (IPC) or national classification and IPC <b>A61K31/35</b>		
Applicant <b>HEWLETT HEALTHCARE LIMITED et al.</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 7 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☒ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand  <b>19/05/2000</b>	Date of completion of this report  <b>16.01.2001</b>
Name and mailing address of the international preliminary examining authority:   <b>European Patent Office</b> <b>D-80298 Munich</b> <b>Tel. +49 89 2399 - 0 Tx: 523656 epmu d</b> <b>Fax: +49 89 2399 - 4465</b>	Authorized officer  <b>Isert, B</b>  Telephone No. <b>+49 89 2399 8691</b> 

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB99/03731

## I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).):*

### Description, pages:

1-59 as originally filed

### Claims, No.:

1-29 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB99/03731

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

## III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 1,4 (both in part); 24, 26-29.

because:

- ☒ the said international application, or the said claims Nos. 24,26-29 (for industrial applicability) relate to the following subject matter which does not require an international preliminary examination (*specify*):  
**see separate sheet**
  - ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
  - ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
  - ☒ no international search report has been established for the said claims Nos. 1,4 (in part).
2. A meaningful international preliminary examination report cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:
- ☐ the written form has not been furnished or does not comply with the standard.
  - ☐ the computer readable form has not been furnished or does not comply with the standard.

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	7,9-11,13-15,17-20,22,27-29
	No:	Claims	1-6,8,12,16,21,23-26
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-29
Industrial applicability (IA)	Yes:	Claims	1-23,25

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB99/03731

---

No:      Claims    see Separate Sheet

2. Citations and explanations  
**see separate sheet**

**VI.      Certain documents cited**

1. Certain published documents (Rule 70.10)

and / or

2. Non-written disclosures (Rule 70.9)

**see separate sheet**

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:  
**see separate sheet**

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:  
**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

---

International application No. PCT/GB99/03731

**SECTION III**

- 1). Claims 24,26-29 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of the subject-matter of these claims (Article 34(4)(a)(i) PCT).
- 2). Claims 1 and 4 are examined on matter which has been searched. See the remarks made on form PCT/ISA/210.

**SECTION V:**

- 3). The following documents (D) cited in the International search report are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1 = WO-A- 98 51300

D2 = US-A- 4 232 012

D3 = GB-A- 1 525 294

D4 = GB-A- 1 595 220

D5 = WO-A- 85 00015 (also cited in the application)

Unless indicated otherwise reference is made to the relevant passages emphasized in the search report.

- 3.1 The intermediate document D1 comprises essential parts of the present application (cf. the Exmples); however, no emphasis is put on a certain disintegrant to chromone ratio.  
D1 is relevant for the subject-matter of present claims 1-5,7,10-12,14,15,17-29.

4). Novelty:

The subject-matter of Claims 1-6,8,12,16,21,23-26 is not novel.

The documents D2,D3,D4 and D5 disclose antiallergic cromoglycine tablets, which may be enteric coated (D2,D4), comprise a surfactant (D3), and disintegrant material in a ratio of at least 1.2 : 1 chromone (D2).

5). Inventive step:

The subject-matter of the claims 1-29 is not considered inventive:

The present application relates to enteric release formulations comprising chromones. Similar formulations are known from D2, D3,D4 and D5, which however do not comprise the particular features found in present claims 9 and 10 (ratio, coated pellets), eg.

The problem to be solved by the present application is to enhance the bioavailability of oral chromone formulations, cf. description pages 3-4. It has not been shown in the present application that the use of certain disintegrant:chromone ratio, or of spherical pellets, resp., brings about the desired effect.

Hence, there is at present no indication for the presence of an inventive step.

6). Industrial applicability

6.1 The pharmaceutical compositions and uses according to claims 1-23,25 are considered industrially applicable under Article 33 (4) PCT.

6.2 For the assessment of the present claims 24,26-29 on the question whether they are industrially applicable, no unified criteria exist in the PCT. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the

use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

## **SECTION VI**

D1 = WO-A-9851300, publication date 19.11.98, filing date 11.05.98, priority date 10.05.97

## **SECTION VII**

- 7). Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D4 is not mentioned in the description, nor are these documents identified therein.
- 8). The formulation A3 at pages 43-44 seems to be incomplete in that there is no Sodium Cromoglycate.

## **SECTION VIII**

- 9). Claims 1 and 4 do not clearly define the matter for which protection is sought in that the dissolution property may depend on both the chromone and the excipients. Moreover, the claims attempt to define the subject-matter in terms of the result to be achieved which merely amounts to a statement of the underlying problem. The technical features necessary for achieving this result should be added. Cf. claims 2,3,5-7.
- 10). The term "chromone" used in the claims apparently lacks sufficient elucidation in the description.
- 11). The term "about" used in claims 5,9,11,12,14,15 is apparently not defined in the description. Hence the corresponding amounts/ranges are not clear.

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>HEWF/P21824PC</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/GB 99/ 03731</b>	International filing date (day/month/year) <b>09/11/1999</b>	(Earliest) Priority Date (day/month/year) <b>11/11/1998</b>
Applicant  <b>HEWLETT HEALTHCARE LIMITED et al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

**4. With regard to the title,**



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

**CHROMONE ENTERIC RELEASE FORMULATION**

**5. With regard to the abstract,**



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

**6. The figure of the drawings to be published with the abstract is Figure No.**



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures.

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/GB 99/03731

## Box I Observations where certain claims were found unsatisfactory (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  
  
Although claims 24,26-29 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the composition.
2. ☒ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## B x II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.  
☐ No protest accompanied the payment of additional search fees.

## FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

## Continuation of Box I.2

Present claims 1,4, relate to a product defined by reference to a desirable dissolution property.

The claims cover all products having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for only a very limited number of such products. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the product by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely those parts relating to the oral drug delivery compositions comprising chromone according to claims 2,3,5-7 and the claims referring thereto.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

## INTERNATIONAL SEARCH REPORT

International Application No.

GB 99/03731

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K31/35 A61K9/50 A61P37/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K A61P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X, P	WO 98 51300 A (HEWLETT HEALTHCARE LIMITED) 18 November 1998 (1998-11-18)  * see in particular the claims; page 10, line 8- page 11, line 26; page 13, lines 9-13; Examples 1-3 *	1-5, 7, 10-12, 14, 15, 17-29
X	US 4 232 012 A (ORR THOMAS S C ET AL) 4 November 1980 (1980-11-04) * see in particular Example 1; col. 4, line 40 - col. 5, line 33 *	1-6, 8, 16, 21-26
X	GB 1 525 294 A (FISONS LTD) 20 September 1978 (1978-09-20) * see in particular claims 1, 6, 7; example 6; page 1, lines 77-86 *	1, 2, 4, 5, 21, 23-26
	-/-	

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

## \* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&amp;" document member of the same patent family

Date of the actual completion of the international search

24 January 2000

Date of mailing of the international search report

04. 02. 00

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3018

Authorized officer

Isert, B

# INTERNATIONAL SEARCH REPORT

International Application No

GB 99/03731

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>GB 1 595 220 A (FISONS LTD) 12 August 1981 (1981-08-12)</p> <p>* see in particular example 2; page 2, lines 3-34 *</p>	<p>1,2,4,5, 12,21, 23-26</p>
X	<p>WO 85 00015 A (PHARMACIA AB) 3 January 1985 (1985-01-03) cited in the application * see in particular example 4 *</p>	<p>1-5,21, 23-26</p>

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

/GB 99/03731

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9851300	A	19-11-1998	AU 7346298 A GB 2324962 A	08-12-1998 11-11-1998
US 4232012	A	04-11-1980	GB 1557082 A AU 522148 B AU 3193977 A BE 862310 A CA 1099641 A CH 629960 A DE 2756802 A DK 576077 A FI 773882 A FR 2377804 A IL 53693 A JP 53094038 A LU 78775 A NL 7800016 A NO 774400 A SE 7714692 A US 4151292 A	05-12-1979 20-05-1982 28-06-1979 23-06-1978 21-04-1981 28-05-1982 27-07-1978 26-07-1978 26-07-1978 18-08-1978 13-09-1981 17-08-1978 11-07-1978 27-07-1978 26-07-1978 26-07-1978 24-04-1979
GB 1525294	A	20-09-1978	NONE	
GB 1595220	A	12-08-1981	AU 523616 B AU 4265478 A BE 872918 A CA 1108992 A CH 641349 A DE 2855001 A DK 568278 A FI 783897 A FR 2412310 A IE 47539 B IL 56239 A JP 54089016 A LU 80721 A NL 7812344 A NZ 189255 A SE 7813062 A ZA 7807155 A	05-08-1982 28-06-1979 20-06-1979 15-09-1981 29-02-1984 05-07-1979 24-06-1979 24-06-1979 20-07-1979 18-04-1984 23-02-1983 14-07-1979 07-09-1979 26-06-1979 31-05-1984 24-06-1979 27-12-1979
WO 8500015	A	03-01-1985	AU 3068784 A CA 1226219 A DK 69685 A, B, EP 0130163 A EP 0145778 A FI 850619 A, B, JP 60501559 T NO 850425 A US 4642232 A	11-01-1985 01-09-1987 14-02-1985 02-01-1985 26-06-1985 14-02-1985 19-09-1985 05-02-1985 10-02-1987

## TENT COOPERATION TREATY

PCT

From the INTERNATIONAL SEARCHING AUTHORITY

To:

ERIC POTTER CLARKSON  
Attn. BASSETT, RICHARD S.  
Park View House  
58 The Ropewalk,  
Nottingham NG1 5BD  
UNITED KINGDOM

COMUS	PARTNER	YWA
-7 FEB 2000		
ACTIONED BY 808		

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT  
OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing  
(day/month/year)

04/02/2000

Applicant's or agent's file reference

HEWF/P21824PC

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/GB 99/ 03731

International filing date  
(day/month/year)

09/11/1999

Applicant

HEWLETT HEALTHCARE LIMITED et al.

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland  
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Véronique Baillou

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

#### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

#### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

**The amendments must be made in the language in which the international application is to be published.**

#### What documents must/may accompany the amendments?

##### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

**The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.**

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

**The following examples illustrate the manner in which amendments must be explained in the accompanying letter:**

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

**"Statement under article 19(1)" (Rule 46.4)**

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

**It must be in the language in which the international application is to be published.**

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

**Consequence if a demand for international preliminary examination has already been filed**

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/PEA/401).

**Consequence with regard to translation of the international application for entry into the national phase**

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

## PATENT COOPERATION TREATY

From the:  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

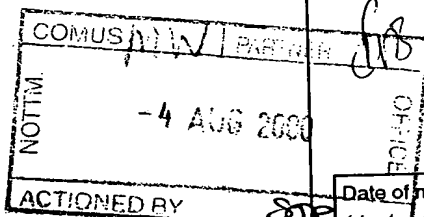
PCT

WRITTEN OPINION

(PCT Rule 66)

To:

BASSETT, RICHARD S.  
ERIC POTTER CLARKSON  
Park View House  
58 The Ropewalk  
Nottingham NG1 5DD  
GRANDE BRETAGNE



Date of mailing  
(day/month/year)

02.08.2000

Applicant's or agent's file reference

HEWF/P21824PC

REPLY DUE

**within 3 month(s)**  
from the above date of mailing

International application No.

PCT/GB99/03731

International filing date (day/month/year)

09/11/1999

Priority date (day/month/year)

11/11/1998

International Patent Classification (IPC) or both national classification and IPC

A61K31/35

Applicant

HEWLETT HEALTHCARE LIMITED et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☒ Certain document cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

3. The applicant is hereby **invited to reply** to this opinion.

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also:** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

**If no reply is filed**, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: **11/03/2001**.

Name and mailing address of the international preliminary examining authority:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized officer / Examiner

Isert, B

Formalities officer (incl. extension of time limits)

Senkel, H

Telephone No. +49 89 2399 8071



## WRITTEN OPINION

International application No. PCT/GB99/03731

### I. Basis of the opinion

1. This opinion has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".*):

#### Description, pages:

1-59 as originally filed

#### Claims, No.:

1-29 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

3. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

### III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 1,4,24, 26-29,

because:

- ☒ the said international application, or the said claims Nos. 24,26-29 (for industrial applicability) relate to the following subject matter which does not require an international preliminary examination (*specify*):  
  
see separate sheet
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

## WRITTEN OPINION

International application No. PCT/GB99/03731

- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the said claims Nos. 1,4 .

### V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

#### 1. Statement

Novelty (N)	Claims	1-6,8,12,16,21,23-26 : No
Inventive step (IS)	Claims	1-29 : No
Industrial applicability (IA)	Claims	24,26-29

#### 2. Citations and explanations

see separate sheet

### VI. Certain documents cited

#### 1. Certain published documents (Rule 70.10)

and / or

#### 2. Non-written disclosures (Rule 70.9)

see separate sheet

### VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

### VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

### **SECTION III**

Claims 24,26-29 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of the subject-matter of these claims (Article 34(4)(a)(i) PCT).

Claims 1 and 4 are examined on matter which has been searched. See the remarks made on form PCT/ISA/210.

### **SECTION V:**

- 1). The following documents (D) cited in the International search report are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1 = WO-A- 98 51300

D2 = US-A- 4 232 012

D3 = GB-A- 1 525 294

D4 = GB-A- 1 595 220

D5 = WO-A- 85 00015 (also cited in the application)

Unless indicated otherwise reference is made to the relevant passages emphasized in the search report.

- 1.1 The intermediate document D1 comprises essential parts of the present application (cf. the Exmples); however, no emphasis is put on a certain disintegrant to chromone ratio.  
D1 is relevant for the subject-matter of present claims 1-5,7,10-12,14,15,17-29.

- 2). Novelty:

The subject-matter of Claims 1-6,8,12,16,21,23-26 is not novel.

The documents D2,D3,D4 and D5 disclose antiallergic cromoglycine tablets, which may be enteric coated (D2,D4), comprise a surfactant (D3), and disintegrant material in a ratio of at least 1.2 : 1 chromone (D2).

3). Inventive step:

The subject-matter of the claims is not considered inventive:

The present application relates to enteric release formulations comprising chromones. Similar formulations are known from D2, D3,D4 and D5, which however do not comprise the particular features found in present claims 9 and 10 (ratio, coated pellets), eg.

The problem to be solved by the present application is to enhance the bioavailability of oral chromone formulations, cf. description pages 3-4.

It has not been shown in the present application that the use of certain disintegrant:chromone ratio, or of spherical pellets, resp., brings about the desired effect.

Hence, there is at present no indication for the presence of an inventive step.

4). Industrial applicability

For the assessment of the present claims 24,26-29 on the question whether they are industrially applicable, no unified criteria exist in the PCT. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

**SECTION VI**

**WRITTEN OPINION  
SEPARATE SHEET**

---

International application No. PCT/GB99/03731

D1 = WO-A-9851300, publication date 19.11.98, filing date 11.05.98, priority date 10.05.97

**SECTION VII**

- 5). Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D4 is not mentioned in the description, nor are these documents identified therein.
- 6). The formulation A3 at pages 43-44 seems to be incomplete in that there is no Sodium Cromoglycate.

**SECTION VIII**

- 7). Claims 1 and 4 do not clearly define the matter for which protection is sought in that the dissolution property may depend on both the chromone and the excipients. Moreover, the claims attempt to define the subject-matter in terms of the result to be achieved which merely amounts to a statement of the underlying problem. The technical features necessary for achieving this result should be added. Cf. claims 2,3,5-7.
- 8). The term "chromone" used in the claims apparently lacks sufficient elucidation in the description.
- 9). The term "about" used in claims 5,9,11,12,14,15 is apparently not defined in the description. Hence the corresponding amounts/ranges are not clear.

From the  
 INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

COMUS	PARTNER
NO	19 JAN 2001
ACTIONED BY: <i>SOY</i>	

**PCT**

To:

BASSETT, RICHARD S.  
 ERIC POTTER CLARKSON  
 Park View House  
 58 The Ropewalk  
 Nottingham NG1 5DD  
 GRANDE BRETAGNE

NOTIFICATION OF TRANSMITTAL OF  
 THE INTERNATIONAL PRELIMINARY  
 EXAMINATION REPORT  
 (PCT Rule 71.1)

Date of mailing  
 (day/month/year) 16.01.2001

Applicant's or agent's file reference  
 HEWF/P21824PC

**IMPORTANT NOTIFICATION**

International application No.  
 PCT/GB99/03731

International filing date (day/month/year)  
 09/11/1999

Priority date (day/month/year)  
 11/11/1998

Applicant  
 HEWLETT HEALTHCARE LIMITED et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.


**4. REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/

 European Patent Office  
 D-80298 Munich  
 Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
 Fax: +49 89 2399 - 4465

Authorized officer

Hundt, D

Tel. +49 89 2399-8042



## PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

NOTICE INFORMING THE APPLICANT OF THE  
COMMUNICATION OF THE INTERNATIONAL  
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

To:

BASSETT, Richard, S.  
Eric Potter Clarkson  
Park View House  
58 The Ropewalk  
Nottingham NG1 5DD  
ROYAUME-UNIDate of mailing (day/month/year)  
18 May 2000 (18.05.00)Applicant's or agent's file reference  
HEWF/P21824PC

## IMPORTANT NOTICE

International application No.  
PCT/GB99/03731International filing date (day/month/year)  
09 November 1999 (09.11.99)Priority date (day/month/year)  
11 November 1998 (11.11.98)Applicant  
HEWLETT HEALTHCARE LIMITED et al

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:  
AU,CN,JP,KP,KR,MA,US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:  
AE,AL,AM,AP,AT,AZ,BA,BB,BG,BR,BY,CA,CH,CR,CU,CZ,DE,DK,DM,EA,EE,EP,ES,FI,GB,GD,GE,  
GH,GM,HR,HU,ID,IL,IN,IS,KE,KG,KZ,LC,LK,LR,LS,LT,LU,LV,MD,MG,MK,MN,MW,MX,NO,NZ,OA,  
PL,PT,RO,RU,SD,SE,SG,SI,SK,SL,TJ,TM,TR,TT,TZ,UA,UG,UZ,VN,YU,ZA,ZW  
The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on  
18 May 2000 (18.05.00) under No. WO 00/27392

## REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

## REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 740.14.35

Authorized officer

J. Zahra

Telephone No. (41-22) 338.83.38

**PCT**WORLD INTELLECTUAL PROPERTY ORGANIZATION  
International Bureau

## INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

<b>(51) International Patent Classification <sup>7</sup> :</b> <b>A61K 31/35, 9/50, A61P 37/00</b>	<b>A1</b>	<b>(11) International Publication Number:</b> <b>WO 00/27392</b> <b>(43) International Publication Date:</b> 18 May 2000 (18.05.00)
<b>(21) International Application Number:</b> PCT/GB99/03731 <b>(22) International Filing Date:</b> 9 November 1999 (09.11.99)  <b>(30) Priority Data:</b> 9824604.4 11 November 1998 (11.11.98) GB  <b>(71) Applicant (for all designated States except US):</b> HEWLETT HEALTHCARE LIMITED [GB/GB]; Yew Turn, 7 Church Lane, Lockington, Derby DE74 2TF (GB).  <b>(72) Inventor; and</b> <b>(75) Inventor/Applicant (for US only):</b> WIGMORE, Alexander, James [GB/GB]; Yew Turn, 7 Church Lane, Lockington, Derby DE74 2TF (GB).  <b>(74) Agent:</b> BASSETT, Richard, S.; Eric Potter Clarkson, Park View House, 58 The Ropewalk, Nottingham NG1 5DD (GB).		<b>(81) Designated States:</b> AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CR, CU, CZ, DE, DK, DM, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).  <b>Published</b> <i>With international search report.</i>
<b>(54) Title:</b> CHROMONE ENTERIC RELEASE FORMULATION  <b>(57) Abstract</b>  Orally administered sodium cromoglycate has been found to be effective in the treatment of allergic conditions such as asthma, general food allergies, ulcerative colitis, atopic eczema, chronic urticaria and irritable bowel syndrome if it is presented such that the sodium cromoglycate becomes bioavailable within (10) minutes of exposure to intestinal fluid. The sodium cromoglycate may be presented as enteric-coated tablets or individually enteric-coated pellets or microgranules packaged with disintegrant in a ratio of at least 1.2:1 disintegrant: sodium cromoglycate (w:w). Optionally, the patients are first selected to have a total serum IgE level of at least 150 iu/ml.		

**FOR THE PURPOSES OF INFORMATION ONLY**

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
AM	Armenia	FI	Finland	LT	Lithuania	SK	Slovakia
AT	Austria	FR	France	LU	Luxembourg	SN	Senegal
AU	Australia	GA	Gabon	LV	Latvia	SZ	Swaziland
AZ	Azerbaijan	GB	United Kingdom	MC	Monaco	TD	Chad
BA	Bosnia and Herzegovina	GE	Georgia	MD	Republic of Moldova	TG	Togo
BB	Barbados	GH	Ghana	MG	Madagascar	TJ	Tajikistan
BE	Belgium	GN	Guinea	MK	The former Yugoslav Republic of Macedonia	TM	Turkmenistan
BF	Burkina Faso	GR	Greece			TR	Turkey
BG	Bulgaria	HU	Hungary	ML	Mali	TT	Trinidad and Tobago
BJ	Benin	IE	Ireland	MN	Mongolia	UA	Ukraine
BR	Brazil	IL	Israel	MR	Mauritania	UG	Uganda
BY	Belarus	IS	Iceland	MW	Malawi	US	United States of America
CA	Canada	IT	Italy	MX	Mexico	UZ	Uzbekistan
CF	Central African Republic	JP	Japan	NE	Niger	VN	Viet Nam
CG	Congo	KE	Kenya	NL	Netherlands	YU	Yugoslavia
CH	Switzerland	KG	Kyrgyzstan	NO	Norway	ZW	Zimbabwe
CI	Côte d'Ivoire	KP	Democratic People's Republic of Korea	NZ	New Zealand		
CM	Cameroon			PL	Poland		
CN	China	KR	Republic of Korea	PT	Portugal		
CU	Cuba	KZ	Kazakstan	RO	Romania		
CZ	Czech Republic	LC	Saint Lucia	RU	Russian Federation		
DE	Germany	LI	Liechtenstein	SD	Sudan		
DK	Denmark	LK	Sri Lanka	SE	Sweden		
EE	Estonia	LR	Liberia	SG	Singapore		

# INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB 99/03731

**A. CLASSIFICATION OF SUBJECT MATTER**  
 IPC 7 A61K31/35 A61K9/50 A61P37/00

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K A61P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X, P	WO 98 51300 A (HEWLETT HEALTHCARE LIMITED) 18 November 1998 (1998-11-18)  * see in particular the claims; page 10, line 8- page 11, line 26; page 13, lines 9-13; Examples 1-3 *	1-5, 7, 10-12, 14, 15, 17-29
X	US 4 232 012 A (ORR THOMAS S C ET AL) 4 November 1980 (1980-11-04) * see in particular Example 1; col. 4, line 40 - col. 5, line 33 *	1-6, 8, 16, 21-26
X	GB 1 525 294 A (FISONS LTD) 20 September 1978 (1978-09-20) * see in particular claims 1, 6, 7; example 6; page 1, lines 77-86 *	1, 2, 4, 5, 21, 23-26
	-/-	

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

\* Special categories of cited documents:

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- "&" document member of the same patent family

Date of the actual completion of the international search

24 January 2000

Date of mailing of the international search report

04. 02. 00

Name and mailing address of the ISA

European Patent Office, P.B. 6818 Patentlaan 2  
 NL - 2280 HV Rijswijk  
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
 Fax (+31-70) 340-3018

Authorized officer

Isert, B

# INTERNATIONAL SEARCH REPORT

International Application No  
PCT/GB 99/03731

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	GB 1 595 220 A (FISONS LTD) 12 August 1981 (1981-08-12)  * see in particular example 2; page 2, lines 3-34 *	1,2,4,5, 12,21, 23-26
X	WO 85 00015 A (PHARMACIA AB) 3 January 1985 (1985-01-03) cited in the application * see in particular example 4 *	1-5,21, 23-26

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/GB 99/03731

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  
Although claims 24,26-29 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the composition.
2. ☒ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.  
☐ No protest accompanied the payment of additional search fees.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB 99/03731

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9851300 A	19-11-1998	AU 7346298 A GB 2324962 A	08-12-1998 11-11-1998
US 4232012 A	04-11-1980	GB 1557082 A AU 522148 B AU 3193977 A BE 862310 A CA 1099641 A CH 629960 A DE 2756802 A DK 576077 A FI 773882 A FR 2377804 A IL 53693 A JP 53094038 A LU 78775 A NL 7800016 A NO 774400 A SE 7714692 A US 4151292 A	05-12-1979 20-05-1982 28-06-1979 23-06-1978 21-04-1981 28-05-1982 27-07-1978 26-07-1978 26-07-1978 18-08-1978 13-09-1981 17-08-1978 11-07-1978 27-07-1978 26-07-1978 26-07-1978 24-04-1979
GB 1525294 A	20-09-1978	NONE	
GB 1595220 A	12-08-1981	AU 523616 B AU 4265478 A BE 872918 A CA 1108992 A CH 641349 A DE 2855001 A DK 568278 A FI 783897 A FR 2412310 A IE 47539 B IL 56239 A JP 54089016 A LU 80721 A NL 7812344 A NZ 189255 A SE 7813062 A ZA 7807155 A	05-08-1982 28-06-1979 20-06-1979 15-09-1981 29-02-1984 05-07-1979 24-06-1979 24-06-1979 20-07-1979 18-04-1984 23-02-1983 14-07-1979 07-09-1979 26-06-1979 31-05-1984 24-06-1979 27-12-1979
WO 8500015 A	03-01-1985	AU 3068784 A CA 1226219 A DK 69685 A,B, EP 0130163 A EP 0145778 A FI 850619 A,B, JP 60501559 T NO 850425 A US 4642232 A	11-01-1985 01-09-1987 14-02-1985 02-01-1985 26-06-1985 14-02-1985 19-09-1985 05-02-1985 10-02-1987